

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**SANTO LANZAFAME in his fiduciary  
capacity as a Trustee for the POINTERS,  
CLEANERS & CAULKERS WELFARE,  
PENSION & ANNUITY FUNDS, and  
President of BRICKLAYERS AND  
ALLIED CRAFTWORKERS  
LOCAL UNION NO. 1, B.A.C.I.U.,  
AFL-CIO,**

**Plaintiff,**

**- against -**

**PETRUS CONSTRUCTION INC.,  
JOSE M. FERNANDEZ, WESTERN  
SURETY COMPANY, and JOHN and/or  
JANE DOE FIDUCIARY,**

**Defendants.**

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**GERSHON, United States District Judge:**

The unopposed Report and Recommendation of Magistrate Judge Kiyo A. Matsumoto, dated September 7, 2005 is hereby adopted in its entirety. Plaintiff's motion for a default judgment against defendant Petrus Construction Inc. is granted. The Clerk of Court is directed to enter judgment for plaintiff in the following amounts; 1) \$788,657.45 in unpaid contributions to the Funds, 2) \$200,880.20 in interest on the unpaid contributions; 3) \$200,880.20 in liquidated damages on the unpaid contributions; 4) \$7,826.00 in attorneys' fees; 5) \$808.98 in costs; 6) \$900.00 in audit costs; 7) \$5,344.26 in dues and assessments owed to Local 1; and 8) \$2,169.89 in interest on the unpaid dues and

**ORDER**

**02 CV 4687(NG)(KAM)**

assessments, for a total award of \$1,207,466.98.

**SO ORDERED.**

*/s/ Nina Gershon*

**NINA GERSHON**  
**United States District Judge**

Dated: Brooklyn, New York  
October 11, 2005